



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :

- against - :

FINAL

Police Officer Vincent Scaringella :

ORDER

Tax Registry No. 924469 :

OF

Military and Extended Leave Desk :

DISMISSAL
-----X

Police Officer Vincent Scaringella, Tax Registry No. 924469, Social Security No. ending in [REDACTED], having been served with written notice, has been tried on written Charges and Specifications numbered 2010-3064 as set forth on form P.D. 468-121, dated October 29, 2010, and after a review of the entire record, Respondent has been found Guilty of Specification Nos. 1 and 2.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Vincent Scaringella from the Police Service of the City of New York.

RAYMOND W. KELLY
POLICE COMMISSIONER

EFFECTIVE: On May 8, 2012 @0001HRS.

COURTESY • PROFESSIONALISM • RESPECT



POLICE DEPARTMENT

February 14, 2012

-----X
In the Matter of the Charges and Specifications : Case No. 2010-3064
against - :
Police Officer Vincent Scaringella :
Tax Registry No. 924469 :
Military and Extended Leave Desk :
-----X

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable Claudia Daniels-DePeyster
Assistant Deputy Commissioner - Trials

APPEARANCE:

For the Department: Rudolph Behrmann, Esq.
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street – Suite 640
New York, NY 10038

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

COURTESY • PROFESSIONALISM • RESPECT

The above-named member of the Department appeared before me on August 18, 2011 and October 19, 2011, charged with the following:

1. Said Police Officer Vincent Scaringella, assigned to Transit Bureau District #33, did on or about and between July 15, 2010 and October 15, 2010, engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Officer, without authority or police necessity, did possess a controlled substance, to wit, cocaine.

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

2. Said Police Officer Vincent Scaringella, assigned to Transit Bureau District #33, on or about July 15, 2010 and October 15, 2010, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Officer, without authority or police necessity, did ingest a controlled substance, to wit, cocaine.

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

The Department was represented by Rudolph Behrmann, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Police Officer Markland Clarke, Sergeant Deborah Thompson, and Dr. Michael Schaffer as witnesses.

Police Officer Markland Clarke

Clarke, a 12-year member of the Department, has worked in the Medical Division Drug Screening Unit for six years. He collects hair samples from members who have been ordered to report to the Medical Division for drug testing. He received one week of training on collecting, securing and properly storing hair samples from Psychemedics Corporation ("Psychemedics"), the drug testing laboratory the Department utilizes for hair sample testing. His primary function at the Drug Screening Unit is to collect and secure hair samples. He approximated that he has collected over 5,000 samples, based on collecting about 15 samples a day, five days a week. Clarke collected hair samples from Respondent on October 15, 2010.

After Respondent signed the Medical Division's attendance log, Clarke followed the random drug test hair sample collection procedures by giving Respondent a "Drug Screening Questionnaire - Hair Testing" form [Department's Exhibit (DX) 1, signed by Respondent and Clarke as the "collector"]. Respondent completed the questionnaire and Clarke observed him sign it. Respondent was assigned drug screening number 19-4266-10-XH, which appears on the questionnaire. This number denotes that Respondent "was the 19th person to be tested that day, the 4266 for the year '10, the year it was conducted and X-H stands for hair, random sample." That number is not assigned to any other individual who comes to the Drug Screening Unit for testing. On the questionnaire, Respondent wrote, "Nothing to Report" when asked to list any prescription medication taken in the previous three months.

Respondent's drug screening number was also entered on two "Psychemedics Forensic Drug Test Custody and Control" forms (DX 2, "Subsequent Sample

Collection,” Sample No. M990535; and DX 3, “Initial Test,” Sample No. M989109).

The forms indicate that it was a random test, that Respondent’s photo ID was checked, and that hair was collected from Respondent’s “Leg/s.” The forms were signed and dated by Clarke.

Clarke then followed the hair sample collection procedures by bringing the Respondent into an 8’ by 12’ room containing two tables separated by a curtain. He did not remember if anyone else was in that room. Clarke “sanitized” the table with alcohol and paper towels in front of Respondent and placed paper on top of the table, after which Respondent sat with his foot on top of the table. He then used a disposable razor to collect Respondent’s hair from his leg. The razor was then discarded. Clarke did not remember if he collected hair from one leg or both legs.

Clarke collected three samples, the quantity of which was based on his training: “After each sample was taken individually, each sample is placed in the tin foil, placed in a security envelope, he initials and dated and signed. Then it is placed in a bag, he initials and dated the bag. That procedure is done three times.” He did not remember if Respondent asked any questions during the hair collection process and Respondent did not leave the room during that time.

Regarding a Sample Acquisition Card (DX 4, with Sample No. M990535 appearing above the Integrity Seal), Clarke said it contained Respondent’s drug screening number and initials, plus the time and date of collection. When asked how many samples were included or displayed with this Sample Acquisition Card, Clarke initially answered, “Three samples.” When asked again, he answered, “Two samples.” When asked for further clarification, Clarke answered, “These are the cut hair samples taken for

Psychemedics to be tested.” When asked if the three hair samples were collected at the same time, he answered, “Individually. Separately.”

According to Clarke, the three samples were then placed inside a locker, which was locked, in the cutting room, in Respondent’s presence. According to the “Refrigerator Log” (DX 5, signed by Clarke below his handwritten entry that reads, “Removed to S/D 19 Hair Samples”) Clarke transported the samples to the Sick Desk Supervisor, located adjacent to the cutting room at “1015.” He said the supervisor places the samples in a secured locker to await pick-up by Federal Express.

During cross-examination, when asked if the hair collection takes place only during the third platoon or if it was also done during the second platoon, Clarke answered that the collections were done “on the first and the second platoon,” even though he worked that night from 1537 to 2400 hours [the third platoon].

Clarke did not recall how many “tests” he did that day and did not respond when asked if anything would refresh his recollection. He denied that the Refrigerator Log would refresh his recollection and said, “What would be reflected is the log entries with my initials that could accumulate or calculate how many hair samples I did that day.”

Clarke said that “[a]nywhere from three or four” officers are taking hair samples on any particular day during a single tour. He did not recall how many other officers were obtaining hair samples that day, and did not recall the names of any other officers taking hair samples then.

Clarke said the Refrigerator Log is used “[t]o record accurately entries in numerical order in which the hair was taken.” While reviewing DX 5, he agreed that the columns on the log are titled: number for the day, date, lab PIN [drug screening number],

time in (when the samples are placed in the locker) and time out (when the samples are transported to the Sick Desk Supervisor).

Clarke agreed that entries made with numbers 14, 17, 18 and 19 were in his handwriting, but not the entries made with numbers 15 and 16. He did not answer questions as to why the "number for the day" and lab PIN numbers do not line up. [Starting with number 14 for the day, the numbers are one off as compared to the first set of numbers of the corresponding lab PIN (drug screening number) so that Respondent's lab PIN, 19-4266-10-XH is listed on line 18; line 19 shows lab PIN 14-4261-10-XH.]

Clarke agreed that there was no "time in" entry for line 19 and said that there was "no time out" entry either, and then agreed that the time out indicated for line 19 and line 18 [Respondent's sample] was "1015." While he agreed that the log was maintained using military time, he disputed that the "1015" indicated in the log was referring to the next day and insisted that "1015 is the same as 2215." He conceded that his [two] indications of "time out" as 1015 was "[m]ost likely" a mistake. He agreed that he and his coworkers follow a very regimented procedure in obtaining and securing and cataloging hair samples because there are significant consequences from the test results and there needs to be a thorough chain of custody of what has been taken.

Clarke testified that the Sick Desk Supervisor looks at the Refrigerator Log when he brings over the samples, but the supervisor did not say anything to him about the log with the incorrect time. He said the log was filled in before he gave the samples to the supervisor, although there was no "time in" for line 19. As a result, he agreed that there was no way to tell when the sample from line 19 was placed in the refrigerator. He did not respond as to whether the sample could have been laying out during the entire tour.

Clarke agreed that DX 4 (Sample Acquisition Card) is actually a photocopy of the envelope into which the two sealed foil packets of hair went. He agreed that this procedure is done to keep a direct chain of custody, to minimize the possibility of contamination or mixing of the samples of others and to make sure that the 19 samples taken that day do not get confused or mixed up. He agreed that because the entries for line 19 were incorrect or nonexistent, there is no way to tell when the sample was taken or when it was placed in the refrigerator. He maintained that the samples were taken out at "2215 or 1015 as indicated on the form." Clarke has never been penalized or informally disciplined for improper preparation of paperwork.

The 19 samples listed on the Refrigerator Log were taken between 0740 hours [7:40 a.m.] and 1825 hours [6:25 p.m.], the latter being the time Respondent's sample was logged in. All the samples were taken in the same cutting room where the refrigerator is located. There are also two four-foot long wooden tables. When the hair sample is taken, the leg is placed up on the table. First, the table is sanitized using a spray bottle of alcohol. Then, the table is covered with "doctor's paper," a white roll that is not attached to the table. Clarke does not wear a smock or hair net, only gloves. The 18 people who came in before Respondent on that day were not made to wear any type of coveralls over their clothing as not to contaminate the room.

Clarke agreed that the room is sanitized every day by someone who comes in and sanitizes the ceiling, walls and floor. He does not do it but he has seen it before and it takes place at different times during the day. He did not recall what happened on October 15, 2010, whether the cleaning took place before or after he took Respondent's hair sample.

When asked if hair samples are always taken from the leg, Clarke responded, "It's [taken from] wherever the officer requested..." He was not aware of whether hair grows at different speeds. He has never asked for guidance from any of the medical staff [at the Medical Division] concerning where he should take the hair from. The Psychomedics control form lists areas where hair may be taken from; the leg is checked on Respondent's form. Being that this body part was the fourth out of a list of five, Clarke was asked if this meant that the leg was the fourth choice. Clarke answered, "No; that is the officer's request." Then, he said, "I don't recall." Then he reverted to, "That was the officer's request." When asked if, during his training, he was told that certain options are preferable in the testing than other options, Clarke answered, "We normally try with the head first." He then agreed that the head is the first body part listed on the control form; followed by chest, the second best option; then under arms or arms; the fourth option was leg. In his training and in his six years taking hair samples, he was never told why the options were placed in that order.

Before shaving Respondent's leg, Clarke put on a new pair of latex gloves. The razor he used was sealed before he used it and then disposed. When he took the razor out of its container, he sprayed it with alcohol. He did not spray or sanitize the area of Respondent that he was going to take the sample from. He insisted that he did not spray Respondent's leg.

While Clarke agreed that he specifically remembered Respondent being there, he denied remembering his particular test. He said he did not remember anything in particular about this sample "[a]part from the standard procedure of the test [he] conducted." He did not recall anything about the test he conducted on Respondent and

was just testifying about how he normally did things. He had no recollection of performing all the procedures with regard to Respondent's sample and was just testifying based solely on what he has done over the years. He did not remember what Respondent looked like. He agreed that his recollection has nothing to do with October 15, 2010, and the only reason he remembers anything about this was by looking at the entry and comparing the name to the number from the documentation, and from what the [Assistant Department] Advocate told him.

Clarke was positive that he had Respondent initial the envelope (to verify that it was his sample contained therein) after the sample was placed in the envelope, not beforehand. By looking at the Refrigerator Log, he could tell that Respondent was the last one there that night, except if lab PIN 14-4261-10 was correctly listed (after Respondent). Because no time in was entered, "[t]here was no indication on the [R]efrigerator [L]og that 14 was placed until the end of the tour when all the samples are being collected."

When asked if the omission of the time in for lab PIN 14-4261-10 was a serious breach of protocol, Clarke first said, "It could have happened on the day tour," then repeated, "I'm not sure" as to whether this was a serious breach of protocol; whether he has been [at the Drug Screening Unit] for six years; or if he has ever seen entries not put in. He then claimed the omitted entry "has been corrected" and remained silent when asked, "How is it corrected, it is still blank, right?" He denied that a sample could have been left out of the refrigerator the whole time. He said it was placed in the locker; that is why it appears on the [Refrigerator Log]. The entry for line 19, lab PIN 14-4261-10, was in his handwriting. When it was alleged that he did not bring up this snafu to anyone

because he was either covering for the day tour or his own screw-up, he said he did not recall and refused to answer as to one of the two explanations being the cause.

Clarke reiterated that he had no independent recollection of the tests he took that day. He was sure he did not take the sample associated with lab PIN 14-4261-10 and claimed that it was taken by the day tour. He repeatedly said he was "not sure" when he was confronted with the possibility that he took the sample associated with lab PIN 14-4261-10 in the first 18 minutes of his tour (which started at 1537 hours) and before the next test on the queue (taken in at 1555 hours).

Clarke did not remember when he had his meal that day; he did not have a steady meal period or a scheduled time to dine. He took his meal "[w]henever" there was a break and when he could get it in. He denied that he could eat in the drug screening room. He said there was a sign on every door disallowing food and this ban was directed at everybody.

Clarke remained silent when asked if he has any off-duty employment and finally answered in the affirmative when reminded that he was under oath. He had not applied for approval of the off-duty employment at the time of this incident in October 2010. He said he did not understand when asked if he had not had approval on October 15, 2010, and then said he had "been approved since eight years, sir, approximately." He was positive that he was not conducting business on the telephone during the testing of Respondent. He denied that he has been specifically directed by his supervisors not to conduct personal off duty business while working and said it was "common protocol for everyone not to be on the telephone." He was "100% sure" he had not testified, at a similar proceeding several months ago, that he was instructed by his supervisor not to

conduct business via the telephone while he was taking hair samples. He denied that he had been informally penalized about that. Furthermore, he has never consumed food, snacks or liquids while working inside the drug screening room.

On redirect examination, Clarke denied he was conducting any personal business on the telephone while he was taking Respondent's hair sample. He wore latex gloves; he did not remember this, but he normally wore them. He specifically remembered that Respondent was the last person whose hair sample he took on that date; he recalled this by looking at the Refrigerator Log. He made the entry for line 19, lab PIN 14-4261-10 but did not know when that hair test was conducted. That entry was at the end of the log, even though Respondent's was the last test he did, because he found the sample associated with lab PIN 14-4261-10 in the locker at the end of the tour and the day tour had not made the time in entry. The entries made for number 13 were not in his handwriting; the entries for number 14 were. He did not recall the sample associated with lab PIN 14-4261-10 anywhere outside of the locker when he entered the hair cutting room or while he was collecting hair samples. He agreed that he could characterize entry number 14 as an error. He did not consume any food or beverages in the cutting room on October 15, 2010, because there is no eating allowed there and he followed that rule.

On further cross-examination, Clarke said the Psychomedics control form is filled out in the "collector's room," which has three tables. The Drug Screening Questionnaire is prepared in the "officer's room" when the officer walks in. That form is partially filled out by the officer and then Clarke signs it in front of the officer in the cutting room. The questionnaire contains the drug screening number and the date and time of the screening. This is also when the officer's fingerprint is taken and his photo ID is checked.

Clarke said the time it takes to prepare the table, cut the hair, put it in the envelope and fill out the envelope “varies.” Regarding an assertion that he had earlier said it would take about 25 minutes, Clarke said, “It depends.” While the time written on the Drug Screening Questionnaire signed by Clarke was 1810 hours [6:10 p.m.], he said it was “[n]ot [h]e necessarily” who filled out that form. When asked if it could have been later, he replied, “Could be before.”

After preparing the questionnaire, the officer goes to the collector’s room, is identified via his Department ID and then fills out the Psychomedics forms. After that, the officer is taken to the cutting room. The table is prepped, Clarke puts on his gloves, he takes the razor out of its packaging, the officer puts his leg on the table and the sample is taken. None of the hair is thrown out. He picks up the hair off the paper-covered table with his gloved hand and places it in the tin foil, which is place in the security envelope. The officer signs and initials the security envelope, which is placed in a bag, also signed and initialed by the officer. The officer “signs and initials three times.” Also at that time, Clarke prepares the specimen identification section of the envelope.

On Respondent’s security envelope, Clarke wrote down the time as being 1812 hours [6:12 p.m.], two minutes after the preparation of the questionnaire that contained Clarke’s signature. He then averred, “This time is not my time.” He agreed that his signature is on the bottom of the questionnaire, beneath a jurat swearing to the veracity of the document. While he denied it was two minutes from the time the questionnaire was prepared to the time he wrote 1812 on the envelope, he was not sure how much time it would approximately take. Despite having done this procedure for six years, he said, “It

varies. It depends,” when asked to assume how long Respondent’s process would have taken.

Regarding Respondent, Clarke insisted, “I remember taking the test; I remember the drug screening questionnaire number assigned to the officer, but no recollection of the officer.” He said he remembered doing the test for this particular officer but did not remember of officer. He claimed to remember every single test he has done by drug screening number, but not the officer. He did not remember Respondent complaining about having to have an alcohol swipe on the leg. He did not recall if the sample was from Respondent’s right or left leg, if he was wearing shorts or pants, or if he was happy or sad. He conceded that what he was remembering was how he conducted the test, and not Respondent’s particular test.

Upon questioning by the Court, Clarke said he remembered the time the samples in question were taken out of the locker was 2215 hours, not 1015 hours as he had written on the Refrigerator Log, agreeing that he had used “regular time” instead of military time.

During further cross-examination, when asked why he had not written the standard time on seven other time entries he made on the samples, Clarke said it was an error based on him being from Jamaica and “we use normally use regular time.”

Clarke told the Court that he had not noticed the error in time prior to his appearance at this proceeding and it was not until he was questioned that he realized he put the wrong time.

Sergeant Deborah Thompson

Thompson, a seven-year member of the Department, has been assigned to Internal Affairs Bureau (IAB) Group 34 since October 2010. In December 2010, she had an official Department interview with Respondent concerning how cocaine got into his system. Thompson recounted that Respondent "had no definitive answer, but he thought a possibility could be from his wife's medication." [REDACTED]

Thompson said Respondent opted to have his third hair sample tested after he tested positive for drugs. That third sample also tested positive for cocaine. The third sample was tested at Quest [Diagnostics] ("Quest") (DX 7, laboratory report).

On cross-examination, Thompson agreed that during his official Department interview, Respondent told her that he had passed a drug test that he took on his own a week or so after he was suspended as a result of the Department-administered test. His own test found him to be negative for cocaine and cocaine metabolites. This test was processed at Omega Laboratories ("Omega") [Respondent's Exhibit (RX) A, laboratory report].

On redirect examination, Thompson did not know what information Respondent provided to Omega with regard to what food, medicine or drugs he had ingested beforehand. She did not know if it was a screening test or a confirmatory test. That he tested negative after testing positive some weeks earlier did not affect her investigation. She was told by a Medical Division doctor "that it was implausible for [l]idocaine to cause a positive for cocaine in the amount that it was."

On recross examination, when asked to confirm that the Medical Division doctor said it was implausible, but not impossible, for [REDACTED] to cause a positive for cocaine in the amount that was found in Respondent's body, Thompson replied, "That's what was told to me by the doctor."

On questioning by the Court, Thompson believed that Respondent submitted hair, urine and blood for testing at Omega and all three tested "negative for the standard, what they were testing for."

On redirect examination, Thompson did not know if Respondent cut his own hair sample for Omega, nor was she aware of what exactly was done prior to the submission of the samples to Omega.

Dr. Michael Schaffer

Schaffer is Director of Toxicology and Vice President of Laboratory Operations at Psychemedics and has held that position since April 1999. His education includes Bachelor of Science degrees in Zoology and in Pharmacy, a Master of Science degree in Pharmacognosy (the study of pharmacologically active compounds derived from natural products, e.g., cocaine and marijuana coming from plants) and a Doctorate degree in Toxicology. He is board certified in forensic toxicology by the American Board of Forensic Toxicology and licensed as a toxicological chemist by the National Registry of Clinical Chemists. He has worked in the field of toxicology and drugs of abuse testing since 1976 and has been involved specifically in hair testing since he joined Psychemedics in 1999. Psychemedics is certified and licensed in a number of states, including New York, to perform some clinical and forensic testing for hair and for urine.

Schaffer was deemed an expert in the fields of forensic toxicology and hair testing based on the aforementioned and after a review of his curriculum vitae.

Schaffer explained that when cocaine enters the body by ingestion, it enters the blood stream. As blood enters hair follicles, it carries some of the ingested cocaine with it. Cocaine and benzoylecgonine (BE), a cocaine metabolite that is produced in the body when cocaine is ingested and metabolized, are deposited inside hair follicles.

Schaffer interpreted the data contained in the laboratory data package produced by Psychomedics which details the analytical results of the testing of the Respondent's hair samples (DX 6). He testified that the analytical results show that only one of the Respondent's two hair samples was initially tested and it tested positive for cocaine when subjected to the radioimmunoassay test (RIA). As a result, following laboratory protocol, both of the Respondent's hair samples were then separately tested via gas chromatography-mass spectrometry (GC-MS) instrumentation.

The GC-MS test results showed that both samples tested positive for cocaine at a concentration level above the screening cutoff level of 5 nanograms of cocaine [per ten milligrams of hair]. Sample M989109 tested positive at 6.5 nanograms of cocaine per ten milligrams of hair. Sample M990535 tested positive at 6.9 nanograms of cocaine per ten milligrams of hair.

Schaffer further testified that the GC-MS analytical results show that both of the Respondent's hair samples also tested positive for the presence of BE. Sample M989109 tested positive for BE at 0.8 nanograms of BE per ten milligrams of hair, and Sample M990535 also tested positive for BE at 0.7 nanograms of BE per ten milligrams of hair.

Schaffer opined, "The test report indicates that there was ingestion of cocaine of at least multiple times."

Schaffer said the Quest laboratory report indicated that [Respondent's third hair sample] tested positive for cocaine and BE. [The analytical results showed that the Respondent's third hair sample also tested positive for cocaine at a concentration of 1494 picograms per milligram of hair and for BE at a concentration level of 236 picograms per milligram of hair.]

On cross-examination, Schaffer recounted the testing process that takes place at Psychemedics from the receipt of hair samples for testing to the promulgation of the results. The accessioner, the person who weighs the sample, and the person who then takes the sample to the screening area are not required to have any degree or professional experience. During the weighing process, the hair is aligned in the foil and then cut to a length of 3.9 centimeters from the scalp out. The cut hair is then removed, several strands at a time, until the proper amount by weight has been attained.

Psychemedics employees are randomly drug-tested once a year. If a sample were to be contaminated at the laboratory, "It would have a high wash and wouldn't have any BE...the only thing you might find is a little bit of cocaine." Schaffer added, "No one washes [hair samples] to the extent that Psychemedics does. And no one in the industry uses a wash criteria, except us." No one physically handles the hair after the person who weighs it, although other individuals have access to the hair when handling the test tubes that contain the hair.

During the RIA test, the hair sample is screened for cocaine, opiates, PCP, amphetamines and marijuana. Psychemedics develops "most" of the antibodies used in

this test, however some of it is purchased from an outside vendor. If there is a positive result, another section of hair is reweighed and washed and set up to be liquefied overnight. The test is done in a test tube which is discarded after use.

The people who wash the hair are not required to be licensed and wear gloves if they are working with organic solvents. The hair is washed in isopropyl alcohol for 15 minutes and then in phosphate buffers for three 30-minute washes and then two one-hour washes. The hair remains in the test tube during the washes. Depending on the analysis, a digestive material is added to the hair to aid in its liquefaction and to insure that they "get all of the drug out without changing the parent compound to the metabolite ratios." At this point, the cocaine and all the other compounds in the test tube are as close as possible to what they were naturally in the hair. The hair is placed in a water bath and shaken in the incubator.

The liquefied hair samples are removed from the metabolic shakers by mass spectrometry extracting personnel. Being that the hair is now liquefied, one "can treat it like it was a sterile sample, a blood sample, a urine sample, whatever." Once liquefied, the sample is approximately 1.2 milliliters and remains in the test tube until tested. The sample is then brought to the mass spectrometry instruments under chain of custody protocols to be tested and analyzed. Samples are tested one at a time and the spectrometer test for cocaine takes "probably less than five minutes." The mass spectrometry analyst looks at the test data and generates a report that is signed. The data and the protocols used to obtain it are reviewed by a certifying scientist.

Schaffer agreed that it is this type of attention to detail that ensures that the sample leads to a result, and that enables him to testify with a reasonable degree of

scientific certainty that the sample is actually positive for a drug. He said the testing is “scientifically reliable. It’s as reliable as a test can be accomplished.” He agreed that Psychemedics’ testing is only as good as what was given to Psychemedics by the Department. He was not privy to Psychemedics having anything to do with the protocol that was set up by the Department in the obtaining of hair samples from members of the Department. He has never been asked or approached by either Psychemedics or the Department to help in formulating the protocol in their obtaining of hair samples, and he did not know what protocol is used by the Department in obtaining hair samples, or if it is the protocol endorsed by Psychemedics. He did not know if the person who took Respondent’s hair sample took a test on “how to collect the hair and how to fill out the form” or if that person had ever been trained by Psychemedics. He acknowledged that Psychemedics has “clients that set up their own collection protocol and procedures that deviate from this.”

Schaffer said if he received a sample and it had information on it, he would test it. If there is no information on it, he cannot test it and “[w]ouldn’t test it, at all, if there’s no information on it.” When asked if that happens often, he answered, “Never.”

During redirect examination, Schaffer reiterated that Psychemedics has “an extensive quality assurance program...If there is an issue, the certifying scientist will ask for a retest...at every step of the way information is recorded, and bar codes are scanned, and we use the com[p]uter to identify every process and be able to audit every step to prevent any type of contamination of any sample during the testing.” This is enhanced by the Department’s protocol of collecting [more than one] sample, “which is then put through at a later point, handled by a different group of people on a different day,

probably by different extraction chemists.” He said, “Contamination is very random. You would not expect to be able to get the same results if it was a random event.”

During recross examination, Schaffer said that, after a positive test result, any untested hair from that sample is kept by Psychemedics for five years. Psychemedics does not do any DNA testing on the hair.

During questioning by the Court, Schaffer said that the Quest testing consisted of only the GC-MS process because Quest was asked to confirm the presence of drugs in the sample and would not do the initial RIA test. According to Schaffer, no cutoff limit was listed but “the conventional way” of reporting would be based on cocaine levels greater than one nanogram.

On redirect examination, Schaffer said that as a forensic toxicologist, he is able to rely on the results of the Quest package because, for seven or eight years, he worked at a corporation that was subsequently bought by Quest so he was “very familiar” with Quest’s testing practices.

On recross examination, Schaffer explained that the measurement of nanograms can be converted to picograms by multiplying the nanogram value by 100. He attributed the disparity between the cocaine amounts found by Psychemedics (6.9 nanograms, or 690 picograms) and by Quest (1494 picograms) to the different washing methods and to the testing procedures used by both laboratories. It is customary for Psychemedics and Quest to note on its report the length of hair used in the testing.

After Respondent testified, Schaffer was recalled as a rebuttal witness. Regarding Respondent’s statements, Schaffer opined that if cocaine got on the hair, through Psychemedics’ “vigorous washing and protocols and use the wash criteria and the BE

value, we're able to discriminate between what's ingested and is on the inside of the hair, versus what's on – externally, on the outside of the hair.” As such, he said, even if one were to soak hair in cocaine, a positive would not result. When cocaine is ingested, it enters the bloodstream and the body converts it into a number of chemical compounds, one of which is BE. Psychomedics monitors three metabolites to demonstrate that, in fact, it did come from the body instead of the external environment.

In order to achieve the positive results shown in Psychomedics' laboratory data package for Respondent, repeated exposures [to cocaine] over a long period of time are needed. Continual use of, or exposure to, the drug is necessary to achieve the cutoff level, as one has to achieve a certain level in the hair before it will trigger a positive hair result because “the drug is very, very tiny in relation to the amount of hair and the weight.” For a one-time exposure to cocaine to achieve the results in this case would require the consumption of “enough cocaine to show signs and effects, and probably wind up in the emergency [room].”

Regarding Omega's testing of Respondent's hair sample, Schaffer said that while a limit of detection test is the most sensitive test that can be run; he has never seen it run on an RIA test. He said the initial RIA test was designed to [have a cutoff level of 5 nanograms], whereas Omega had their cutoff level at 1. He was not sure if that number would be recognized by the Food and Drug Administration, who deems certain cutoff levels to be acceptable. Schaffer said this lower cutoff was “an attempt to look for a chemical or drug [at] that lower level using an inadequate test that is not intended to measure a limited detection testing protocol. It's an inappropriate test.” He said the appropriate test would have been a limit of detection mass spectrometry test. The amount

of cocaine detected by the Omega test “was very, very close” to the cutoff value, but was deemed negative because it did not cross that threshold. He believed that Omega “invented or developed a test and sold it as a limit of detection test...most people who are lay persons would not know the difference and would be duped, unfortunately.”

On cross-examination, Schaffer clarified, with regard to Psychemedic’s cutoff value of 5, if a hypothetical first sample was tested and resulted in a level of 4.9, the sample would be considered negative and testing would cease. He agreed that though a first test is negative, there could still be cocaine present if the level was not high enough for the reporting standards set by Psychemedics.

On questioning by the Court, Schaffer said there is no cocaine in [REDACTED]. The only similarity the two drugs share is the last several letters of their names.

Respondent’s Case

Respondent testified in his own behalf.

Respondent

Respondent has been a member of the Department since July 1999. He was assigned to Transit District 33 his entire career until he was suspended as a result of the instant case.

On October 15, 2010, sometime after 4:00 p.m., Respondent went to the Medical Division for a random drug test. He described the Drug Screening Unit office as having clipboards on the left and the hair [cutting] room on the right. To the left is the “officer’s quarters.” There were other members of the Department assigned to the Medical

Division there as well as four officers. He signed in the entry log and proceeded to fill out a piece of paper on one of the clipboards that asked for his information and any foods he had eaten. He waited in the waiting room “for some time” until he was called.

Respondent did not know the name or rank of the officer in plainclothes [Clarke] who called him into the officer’s quarters. Clarke told him he had filled out the wrong clipboard and so Respondent went to the hallway and got another clipboard. While Respondent was filling out the information on the second clipboard, Clarke took the hair sample package and “broke it down on his desk.” Clarke was not wearing gloves and “[t]he desk was cluttered, it had food he – he was actually eating a sandwich. He was eating a sandwich and there was also an open box of cheesecake on the desk.” The desk was also cluttered with clothes and personal belongings. Clarke had Respondent sign some forms and told him to initial a label and place a time on it. The label was a seal for the drug test but at the time he signed it, it was not affixed to anything.

Then, they proceeded to the hair cutting room, which Respondent said was not cluttered and contained a desk and a roll of paper. Before taking the sample, Clarke sprayed Respondent’s leg with substance from a spray bottle that did not have a label but had the word “alcohol” written on it with a marker. Clarke told Respondent the spray was “for lubrication.” When Respondent’s leg was “saturated,” Clark took out a razor and shaved a section of his leg. Afterwards, Clarke separated the hair into three piles with a paper card while Respondent wiped his leg with an alcohol wipe. He did not see what Clarke did with the three piles of hair. A minute or so later, Clarke told Respondent he could sign out, and he did.

Respondent said that while Clarke took his hair sample, Clarke was on the phone, but he was “still doing what he was supposed to do before hand.” Prior to that, when they were prepping the package, “he was eating, he was on the phone. He was on the phone, off the phone; on the phone off the phone. He, you know, he seemed like that he was preoccupied with a discussion with somebody an argument.”

About 12 days later, while driving home from work on the parkway, he was pulled over and disarmed by an IAB inspector and about five or six officers and a sergeant. He was told, “[Y]ou know what you did,” and interrogated on the side of the road for 50 minutes. It was about 40 minutes into that dialogue that he learned that he had tested positive for cocaine. He told them that was impossible and must be a mistake.

Subsequently, he went to his doctor and asked how this was possible. Hair, blood and urine samples were taken from him and the samples were submitted to Omega for testing. [The laboratory report states specimen collection took place on November 3, 2010.] He said Omega “was [a] major lab, and accredited, and across the country.” He asked for the “absolute best test,” and his hair sample was subjected to a “limit of detection” test.

While working at Transit District 33, Respondent worked in a plainclothes unit and made about 300 arrests, “[a] good amount” of them for narcotics. Prior to his random drug test, he had been involved in handling narcotics and had been exposed to it during the course of his work. Before becoming a police officer, he never used any controlled or illegal substance, marijuana or narcotics, nor was he exposed to any. While a police officer, at no time prior to October 15, 2010, did he ever intentionally ingest cocaine.

On cross-examination, Respondent stated that, with regard to getting exposed to narcotics during police work, exposure happens when making stops, frisking and searching people, and recovering drugs and drug paraphernalia. There is no time to put on gloves in the field. He had never been stuck with a needle possibly containing cocaine or a cocaine-like substance. He never reported to his supervisor any exposures to drugs or drug paraphernalia when he came into contact with anything, he would just wash it off. He explained that an officer can get distracted between making an arrest and washing his hands and might inadvertently touch his mouth, nose or eyes before cleansing.

On October 27, 2010, when he was pulled over by IAB and learned he had tested positive for cocaine, he was surprised and informed IAB that they got the wrong person. He told them he was 37 years old and he and his wife were trying to have a baby “[it] doesn’t make sense that [he] would go out and use drugs; [he] would never do it, never in a million years.”

Respondent agreed that he elected to have his third hair sample tested [by Quest] and it came back positive. His fourth hair sample was collected by “Dr. Person A” and tested by Omega, and it came back negative.

Respondent was referred to Person A by his primary care physician, who he had advised about the positive drug test. He did not tell Person A that he had failed a drug test with his employer, the Department; he just told Person A that he “needed a drug test for employment” and that he “need[ed] the best drug test that you have.” He said, “[T]here were some conversation” between his primary care physician and Person A. He gave Person A his personal information and his driver license as proof of identification. He did not tell

Person A that he had a hair sample test approximately two weeks prior, nor that he had a sample taken from his leg, nor that he had failed that test. He did not tell Person A to collect the sample from his head. He told Person A he was a member of the Department, and testified, "I'm sure he knew. He did not request any further information, but you know, he he pretty much knew." Respondent denied that he had not informed Person A about his previous drug failure because he did not want anyone to really scrutinize any subsequent tests that were taken.

Respondent agreed that, during his official Department interview, he told IAB that maybe his applying [REDACTED] patches to his wife's back might have caused the positive test results. He said that because he was not sure where he might have come into contact with cocaine. His wife had reminded him that he had applied the [REDACTED] and he "checked into it, and it wasn't clear if that was anything that could cause the positive." He is still currently unsure as to whether applying the [REDACTED] patches might have caused the positive test result.

Upon questioning by the Court, Respondent said that he had worked in plainclothes and made drug arrests for six or seven years prior to the incident at hand. During that period of time, he had been randomly drug-tested "[a] couple of times, with negative results. He did not recall doing anything differently in October 2010 than what he had done in the past.

When his hair sample was collected by Clarke, there was no discussion as to whether the hair would come from his head or his leg; Clarke had not told him that if he took head hair, he would have a missing patch on his scalp. Clarke just told him to put his leg up and told him he was going to shave him there; he had not volunteered his leg to

be the area where the sample was to be collected from. He signed everything in the officer's quarters, then they proceeded to the hair cutting room where the samples were taken, then he was told to sign out. The current length of his head hair is consistent with his length before, after and at the time of the hair sample collection.

FINDINGS AND ANALYSIS

Specification Nos. 1 and 2

Random drug screening selection and hair sample collection and testing procedures

Respondent does not challenge the computer software program that generated his name on a list of members who were to be ordered to report to the Medical Division for random drug screening. This computer program has been found to satisfy the requirements of randomness sufficient to justify a drug testing order.¹

Affirmative defense to hair sample collection

Respondent testified that prior to the hair collection, he filled out all of the paperwork related to his hair collection. He also intimated that the room was cluttered. He noted seeing a sandwich and cheesecake. He said that Clarke was repeatedly on and off his cell phone in that room and at times was eating. However, he did testify that the hair collection was in a hair cutting room and that room was not cluttered. He noted that Clarke sprayed his leg with a bottle with the word, "alcohol" written on it and shaved the hair from his leg and divided the hair into three piles using a paper card. He noted that when Clarke took his hair sample, he may have been on the phone for a time but he was "still doing what he was supposed to do before hand."

¹ Worrel v. Brown, 177 A.D.2d 446 (1st Dept 1991), leave to appeal denied, 79 N.Y.2d 755 (1992).

Respondent, however, continued his testimony that he became preoccupied with the condition of his own leg. Respondent saw some alcohol towelettes and opened them and began to clean his leg to make sure that he did not have any nicks. He noted that once he began to clean his own leg, he was not paying attention to what Clarke was doing with the three piles of hair. He explained that, "He he separated three piles and then after he when he was separated them I was attending to my leg, and wiping it with the towelette." Respondent was asked whether he saw what Clarke did with the three piles of hair and Respondent replied, "No..." Respondent went on to say that he wiped his leg and maybe "a minute or so later he told me that I could sign out."

This testimony is in stark contrast to that of Clarke. Clarke testified that he separated the hair sample into three piles. Each sample was then placed in the tin foil, placed in the security envelope and Respondent initialed, dated and signed each sample. The sample is then placed in a bag which Respondent initialed and dated. Clarke stated that this procedure was repeated three times. The bag with all the samples was then placed in a secured locker in the hair cutting room in the Respondent's presence. Respondent made no mention that this procedure took place. It is the belief of the Court that he made no mention of this procedure, not because it did not occur, but rather he was not paying attention to the collection procedure. He did not recall that the initialed, sealed envelopes were placed in one bag and secured in a locked cabinet in his presence.

Respondent raised as a defense to the hair collection process that once his hair samples were collected, Clarke failed to accurately log Respondent's sample on the Refrigerator log (DX 5). Clarke had no explanation as to why the "number for the day" and the lab PIN number did not match up. Upon the Court's review of the Refrigerator

Log, a correlation between the sample number and the lab PIN number do not always correlate. For example, a review of the Refrigerator Log for the date October 14, 2010 lists 12 samples for that date numbered 31-42. Of those 12 samples listed, none of the lab PIN numbers correlate to those sample numbers. The lab PIN numbers ranged from 5-18. On the date in question with respect to Respondent's hair sample collection, the first hair sample collected for the date is not listed on line one, but on line two. The second sample collected for the day is not listed on line 2 but on line one. Although samples 3-13 are listed on similar lines, samples 14-19 are not. The same can be said of the four samples listed for the next date on the Refrigerator Log for October 18, 2010. Of the four samples listed on the Refrigerator log for that date, only one sample, sample four, is listed on the fourth lab PIN line. The other three samples are listed on different lines. It is the conclusion of the Court that based on Clarke's testimony that other hair collectors are collecting samples at the same time he is, hair collectors log the sample on the Refrigerator Log when they complete the hair collection process and take the samples to the refrigerator, which may not always be in sequence as demonstrated by a review of the Refrigerator Log. In addition, this logging of the hair sample notes when the sample was logged in, logged out, and the time the sample was removed to the supervisor's desk. It has nothing to do with the actual hair collection process.

Accordingly, I credit Clarke's testimony that Respondent's hair samples were properly collected, packaged, sealed and transported to Psychemedics for testing. Respondent did not successfully challenge the RIA test that was utilized by Psychemedics to initially analyze one of Respondent's two hair samples for the presence of cocaine, or the MS instrumentation that was utilized by Psychemedics to analyze both

of Respondent's hair samples to quantify the concentration levels of cocaine and benzoylecgonine (BE), the principal cocaine metabolite that is produced in the body when cocaine is ingested and metabolized.

Schaffer, the Director of Toxicology and Vice President of Laboratory Operations at Psychemedics was deemed to be an expert in the fields of forensic toxicology and hair testing based on the fact that he is board certified in forensic toxicology, by the American Board of Forensic Toxicology, licensed as a toxicological chemist by the National Registry of Clinical Chemists, as well as a review of his curriculum vitae. Schaffer explained and interpreted the data contained in the laboratory data package produced by Psychemedics which details the analytical results of the testing of Respondent's hair samples (DX 6). Although Schaffer did not personally conduct any of these tests, due process does not require that the technicians who performed these tests testify at the disciplinary hearing because testing results may be admitted and credited based on the testimony of the laboratory director where, as here, the reliability of the testing procedure used has been established, the director is familiar with all the steps taken, the director is subjected to cross-examination and no claim is raised that there was a specific defect in the testing procedures.² Although Respondent raised questions as to whether the accessioners who test the hair samples are drug tested and licensed, [Schaffer answered by testifying that Psychemedics employees are randomly drug-tested once a year and the people who wash hair samples are not required to hold licenses], Respondent did not allege any specific defect in the chain of custody or testing procedures utilized by Psychemedics.

² Gordon v. Brown, 84 N.Y.2d 574, 579-580 (1994).

Schaffer testified that the testing data shows that after one of Respondent's hair samples tested positive for cocaine via the scientifically recognized RIA screening method, both of Respondent's hair samples were separately subjected to testing utilizing the scientifically recognized GC-MS instrumentation. Schaffer testified that the GC-MS test results showed that both of Respondent's samples tested positive for cocaine at a concentration above the FDA-established administrative reporting cutoff level of five nanograms per ten milligrams of hair. Sample M989109 tested positive at 6.5 nanograms of cocaine per ten milligrams of hair. Sample M990535 tested positive at 6.9 nanograms of cocaine per ten milligrams of hair. Schaffer further opined that Respondent's hair samples tested positive for BE. Sample M989109 tested positive for BE at 0.8 nanograms of BE per ten milligrams of hair and Sample 990535 also tested positive for BE at 0.7 nanograms of BE per ten milligrams of hair. He stated that these reports indicated that there was ingestion of cocaine, "...of at least multiple times."

In addition, Schaffer testified that the Quest laboratory report indicated that Respondent's third sample which he had tested at a laboratory of his choice also tested positive for cocaine and BE. The analytical results showed that the Respondent's third sample was positive for cocaine at a concentration of 1494 picograms per milligram of hair and BE at a concentration level of 236 picograms per milligram of hair. According to Schaffer, to convert nanograms to picograms, one would multiple the nanogram number by 100. It stands to reason that to convert the Quest picogram number to nanograms, one would divide the picogram number by 100. This would result in the Quest picogram cocaine reading of 1494 being converted to a nanogram reading of 14.94, a positive reading well above the cutoff level of five nanograms.

Respondent tried to argue that the Psychemedics positives [6.5 and 6.9] and the Quest positive [1494 converted to 14.94] were not the same and thus there was an issue in the test results. Schaffer explained that the testing procedures are different at both labs. He further explained that Psychemedics uses a rigorous, patented washing procedure which would wash away any external contamination of a drug and would account for why Psychemedic's positive was lower than that of Quest. Where as here, a recognized screening test positive result is confirmed when the same sample is subjected to GC-MS analysis, such testing results have been found to constitute substantial scientific evidence of the presence of cocaine.³ Based on all of the above, the test results obtained by Psychemedics regarding both of Respondent's hair samples, coupled with the third sample tested by Quest, constitute substantial evidence that Respondent possessed and ingested cocaine on October 15, 2010.⁴

Affirmative defense of involuntary ingestion

Respondent raised an affirmative defense of involuntary ingestion by contending that his work in the plainclothes unit at Transit District 33 exposed him to narcotics. He testified that he made about 300 arrests and many of them involved narcotics. He said he was exposed to drugs when he stopped, frisked and searched people which led to him recovering drugs and drug paraphernalia. He noted that there is no time to put on gloves when working in the field. He also noted that he may get distracted between making an arrest and washing his hands and might inadvertently touch his mouth, nose or eyes before cleansing.

³ McBride v. Kelly, 215 A.D.2d 161 (1st Dept 1995).

⁴ McGovern v. Safir, 266 A.D.2d 107 (1st Dept 1999).

I do not credit this account. Respondent testified that he never reported to his supervisor any exposure to drugs or drug paraphernalia. Schaffer testified as a rebuttal witness to Respondent. He stated that external contamination would not result in a positive test result given Psychemedics' rigorous washing procedure. He also explained that to reach a positive test result above the cutoff level, one would need repeated exposures to cocaine over a long period of time, such that the levels of the drug in the hair are enough to trigger a positive test result. He further explained that the drug is very tiny in relation to the amount of hair and weight. And even a one-time exposure would require such a large consumption that the signs and effects of cocaine would probably result in the person being taken to the emergency room.

Thus, Respondent's exposure to drugs and then inadvertent touching of his mouth, nose or eyes would have to be with such a large concentration of drugs to trigger a positive test result. It is the belief of the Court that if Respondent inadvertently consumed that level of cocaine, it would have been his duty to report such exposure to the Department. The Court finds this defense speculative at best and without scientific support.

Respondent also argued that his fourth test to Omega lab was negative and thus was an indicator that he did not consume or possess cocaine. Schaffer reviewed the Omega lab results (RX A). He opined that Omega failed to run the limit of detection test according to standard procedures. He explained that a limit of detection test should have meant that Respondent's sample would go directly to GC-MS to test for the presence of drugs. Instead, Omega did the limitation of detection test using an RIA test which is not as sensitive as the GC-MS test. In addition, he stated that the FDA has set a cutoff level

of five, where Omega set a cutoff level of one, and he was not sure that the FDA would approve such a cutoff level. He opined that this lower cutoff level was “an attempt to look for a chemical or drug [at] that lower level using an inadequate test that is not intended to measure a limited detection testing protocol. It’s an inappropriate test.”

Based on the above, I find that Respondent did not meet his burden of persuasion regarding his affirmative defense of involuntary exposure⁵ or his defense that the Omega test was negative.

Respondent also speculated that he may have been exposed to cocaine by frequently placing [REDACTED] patches on his ill wife. Schaffer dismissed this claim by stating that [REDACTED] does not contain any cocaine.

Conclusion

Based on this record, the only conclusion that can be reached is that Respondent possessed cocaine and he knowingly ingested this cocaine.

Respondent is found Guilty as charged of Specification Nos. 1 & 2.

PENALTY

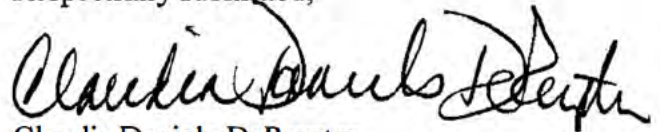
In order to determine an appropriate penalty, Respondent’s service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974). Respondent was appointed to the Department on July 7, 1999. Information from his personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

⁵ Green v. Sielaff, 198 A.D.2d 113 (1st Dept 1993).

Respondent has been found Guilty of possessing and ingesting cocaine. Although Respondent has served 12 years as a uniformed member of the service with no prior, formal disciplinary record, Respondent has violated the Department's rule against using illegal drugs. This tribunal has had numerous instances where termination was recommended as a penalty. See for example, Disciplinary Case Nos. 82184/06, signed July 16, 2008; Disciplinary Case No. 83905/08, signed February 4, 2009; and Disciplinary Case No. 86122/10, signed July 19, 2010. In addition, this tribunal has had several cases where these recommendations were upheld on appeal. See for example, Disciplinary Case No. 78362/02, signed June 22, 2003, *affirmed sub nom*, 802 N.Y.S.2d 683 (1st Dept 2006); Disciplinary Case No. 82337/06, signed April 7, 2008, *affirmed* App. Div. 1st Dept (NY Slip Op 07262 2010); Disciplinary Case No. 81455/05, signed August 3, 2007, *affirmed* 893 N.Y.S.2d 552 (2010).

Since Respondent has violated the Department's rule against using illegal drugs, I am left with no alternative but to recommend that he be DISMISSED from the New York City Police Department.

Respectfully submitted,



Claudia Daniels-DePeyster
Assistant Deputy Commissioner-Trials

APPROVED
MAY 08 2012

RAYMOND W. KELLY
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

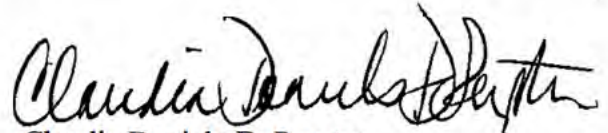
From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER VINCENT SCARINGELLA
TAX REGISTRY NO. 924469
DISCIPLINARY CASE NO. 2010-3064

In 2007 and 2009, Respondent received an overall rating of 4.5 “Above Highly Competent” on his annual performance evaluations. In 2008, he received a rating of 4.0 “Highly Competent.” Respondent has received four Excellent Police Duty Medals in his career to date.

In over 12 years of service, Respondent [REDACTED]
[REDACTED]

Respondent has no prior formal disciplinary record.

For your consideration.



Claudia Daniels-DePeyster
Assistant Deputy Commissioner – Trials